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ABSTRACT

The text of a November 1995 Slovak Republic law concerning language use in that country is translated and analyzed from the perspective of a recent Linguistic Society of America (LSA) statement on language rights stating that speakers be allowed to express themselves, publicly or privately, in the language of their choice. The law provides that the official language be the Slovak language, but does not legislate use of the languages of national minorities. However, it imposes relatively severe fines for non-use of the official language. The law is criticized for assuming that compulsion, not attraction, is the best way of spreading official language use. It also specifically limits minority language use in certain public contexts. The law is found to be discriminatory and in contradiction with stated LSA principles of language rights. (MSE)

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On the right to use the language of one's choice in Slovakia

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In less than six years two official Slovak language laws were passed in Slovakia, the first in 1990, the second on 15 November, 1995. The latter, called the law on the State language of the Slovak Republic, has come under considerable international scrutiny. "Slovaks further curb use of the Hungarian language," reported The New York Times (16 November, 1995), and "Language law raises ethnic fears" was the title of a report in The Globe and Mail (6 December, 1995). The Independent (2 December, 1995) told the story of the European Parliament threatening to suspend EU assistance to Slovakia and expressing grave concern at policies which "show insufficient respect for democracy, human and minority rights and the rule of law."

Slovakia is a country with serious economic and social problems in which the language issue seems to be in the center of creating a much belated nation-state whose sovereignty is felt endangered by many. About 15% of the country's population are non-Slovak. 600,000 indigenous ethnic Hungarians comprise over 10% of the population while smaller minorities include Roma, Czechs, Ruthenians, Ukrainians, Germans etc. The Hungarian minority lives in the southern part of the Slovak Republic; in over 400 towns and villages, Hungarians constitute the local majority of the population.

In what follows, I will present an English translation of the new Slovak law and will briefly analyze it from the point of view of a basic requirement in the Linguistic Society of America's recent statement on language rights: that speakers be allowed to express themselves, publicly or privately, in the language of their choice.

As I have no access to an official translation into English, I will present an unofficial translation of the law. The text below is based on two unofficial translations (one of which was released by the ČTK news agency in Prague on December 13, 1995), and has been checked against the official text of the Slovak law by Professor István Lanstyák of Comenius University, Bratislava.

LAW OF THE NATIONAL COUNCIL OF THE SLOVAK REPUBLIC, OF NOVEMBER 15TH, 1995, ON THE STATE LANGUAGE OF THE SLOVAK REPUBLIC

The National Council of the Slovak Republic, proceeding from the fact that the Slovak language is the most important distinctive feature of the uniqueness of the Slovak nation, the most valuable piece of the cultural heritage and expression of sovereignty of the Slovak Republic and the general means of communication for its citizens, which guarantees them freedom and equality in dignity and rights¹ in the territory of the Slovak Republic, has approved the following law:

SECTION 1

Introductory provisions

(1) The State language in the territory of the Slovak Republic is the Slovak language.²

(2) The State language takes precedence over other languages used in the territory of the Slovak Republic.

(3) The law does not legislate the use of liturgical languages. The use of these languages is determined by the regulations³ of the Church and religious communities.

(4) The law does not legislate the use of languages of national minorities and ethnic groups. The use of these languages is determined in other laws.⁴

SECTION 2

The State language and its protection

(1) The State

a) Provides the necessary conditions in the educational, academic and informational systems to enable each and every citizen of the Slovak Republic to learn and use the State language orally and in writing.

b) Takes care of the scientific study of the State language, its historical development, of the study of regional and social dialects, of the codification of the State language and of the raising of linguistic culture.

(2) The codified form of the State language is decreed by the Culture Ministry of the Slovak Republic (henceforth "the Culture Ministry") on the basis of proposals made by specialist Slovak language institutes.

(3) Any form of interference with the codified form of the State language which is not in line with its rules is inadmissible.

SECTION 3

The use of the State language in official contacts

(1) State organs and State organizations, organs of local government and public statutory organs⁵ (henceforth "statutory organs") are obliged to use the State language in the performance of their tasks in the entire territory of the Slovak Republic. Proving an adequate level of competence in writing and speaking the State language is a condition for employment or similar work relationship and a condition for the performance of work agreed upon in a particular work activity in a statutory organ.

(2) Employees and functionaries of statutory organs, employees of public transport and communications, members of the armed forces, armed security services and other armed units and the fire department use the State language in official contacts.

(3) The State language is used in

a) laws, government directives and other generally binding legal regulations, including regulations of organs of local government, rulings and other public documents.

b) sessions of statutory organs.

c) all official written material (registers, minutes, announcements, statistics, files, accounts, official records, information for the public, and so on) and written material of

the Church and other religious communities intended for the public.

d) official names of towns and parts of towns, signs denoting the names of streets and other public areas, other geographical names, such as names on State maps including maps of land registries; denoting the names of towns in other languages is legislated by a separate law.⁶

e) chronicles of communities. Occasional, foreign-language versions must be translations from the State language.

(4) Statutory organs and organizations established by them are obliged to use the State language in all information systems and mutual contacts.

(5) All paperwork submitted by citizens to statutory organs is in the State language.

(6) Every citizen of the Slovak Republic has the right to have his/her first and last names adjusted according to the rules of Slovak orthography free of charge.⁷

SECTION 4

The use of the State language in education

(1) The teaching of the State language is obligatory at all elementary and secondary schools. Languages other than Slovak are used as the languages of instruction and testing to the extent determined by other regulations.⁸

(2) Pedagogical workers in all schools and educational facilities in the territory of the Slovak Republic, with the exception of foreign pedagogues and language assistants, are obliged to master and use the State language in its written and spoken forms.

(3) All pedagogical documentation is in the State language.

(4) Textbooks and texts used in the teaching process in the Slovak Republic are published in the State language, except for textbooks and teaching materials in the languages of ethnic minorities, ethnic groups and other foreign languages. Their publication and use is covered by other laws.⁹

(5) The provisions of paragraphs 1, 2 and 4 do not apply to the use of the State language in teaching at universities, the teaching of other languages or teaching in other languages than the State language, or the use of textbooks or teaching materials in teaching at universities.

SECTION 5

Use of the State language in the mass media, at cultural events and at public meetings

(1) Radio and television broadcasting is in the State language throughout the Slovak Republic. The exceptions are

(a) foreign-language radio broadcasts and foreign-language television broadcasts composed of audiovisual works and other picture-and-sound recordings with subtitles in the State language or which in some other way meet the criteria of basic comprehensibility with regard to the State language,

(b) Slovak Radio's international foreign-language broadcasts, television and radio language courses and other programs with related aims,

(c) musical programs containing original texts.

The broadcast in national minority and ethnic group languages is regulated by separate provisions.¹⁰

(2) Other-language audiovisual works aimed at children under 12 years must be dubbed into the State language.

(3) Radio and television operators, presenters, announcers and editors are required to use the State language in broadcasts.

(4) Broadcasts by regional and local television channels, radio stations and radio facilities take place basically in the State language. Other languages may be used before the broadcast and after the broadcast of a given program in the State language.

(5) Periodical and non-periodical publications are published in the State language. Press publications issued in other languages are regulated by a separate provision.¹¹

(6) Occasional publications designed for the public, catalogues for galleries, museums and libraries, programs for cinemas, theaters, concerts and other cultural events are issued in the State language. If necessary they may contain translations into other languages.

(7) Cultural and educational events take place in the State language, or in another language which meets the criterion of basic comprehensibility with regard to the State language. Exceptions are cultural events by national minorities, ethnic groups or with foreign guests, and musical works with original texts. The presentation of such programs must first take place in the State language.

(8) All participants in meetings or lectures in the Slovak Republic have the right to make their speeches in the State language.

SECTION 6

The use of the State language in the armed forces, armed units and in the fire department

(1) In the Army of the Slovak Republic, in the troops of the Interior Ministry of the Slovak Republic, in the Police Force, in the Slovak Intelligence Service, in the Prison and Justice Guards Corps of the Slovak Republic, in the railroad police of the Slovak Republic and in the municipal police forces, the State language is used in official contacts.

(2) All the official written material and documentation of the armed forces, armed security units, other armed units and fire departments is in the State language.

(3) Paragraph (1) does not relate to the air force during air operations and to the international activity of armed forces.

SECTION 7

The use of the State language in court and legal proceedings

(1) Dealings between the courts and citizens, court cases, legal proceedings, decisions and the minutes of court and legal organs are carried out and published in the State language.

(2) The rights of people belonging to ethnic minorities and ethnic groups or the rights of foreigners who are not competent in the State language, as set down in separate laws,¹² remain unaffected.

SECTION 8

The use of the State language in the economy, in services and in health care

(1) In the interest of consumer protection the use of the State language is compulsory in the indication of the contents of domestic or imported products, in instructions for the use of products, especially foodstuffs and medicines, in the conditions for guarantees and in other information for the consumer.¹³

(2) Legal documents relating to employment or similar work relationships are drawn up in the State language.

(3) Financial and technical documents, Slovak technical norms, the statutes of associations, societies, political parties, political movements and commercial enterprises are drawn up in the State language.

(4) Health care institutions conduct all their administration in the State language. Contact between health care employees and patients takes place usually in the State language; if the patient is a citizen or foreigner unfamiliar with the State language, then also in such a language in which they can understand each other.

(5) Proceedings before statutory organs regarding contracts shall take place in the State language.

(6) All signs, advertisements and announcements designed to inform the public, especially in shops, sports grounds, restaurants, in the streets, along and above the roads, at airports, bus and railroad stations, in railroad cars and in public transport must be in the State language. They may be translated into other languages, but the foreign-language texts must follow the State-language texts of the same size.

SECTION 9

Observance

The Culture Ministry monitors the observance of the obligations ensuing from this law. If it finds non-compliance, it alerts the legal entities or individuals in whose activities the non-compliance has occurred, and is authorized to call upon them to correct the illegal State of affairs.

SECTION 10

Fines

(1) If an illegal State of affairs is not corrected (section 9), the Culture Ministry can levy a fine of

a) up to 250,000 Slovak crowns for legal entities in breach of obligations in Section 4, Paragraph 4 and Section 8, Paragraphs 1, 3, 5 and 6.

b) up to 500,000 Slovak crowns for legal entities in breach of obligations set down in Section 5, Paragraphs 2 and 4.

c) up to 50,000 Slovak crowns for individuals licensed to carry out private business activities in breach of obligations set down in Section 4, Paragraph 4, Section 5, Paragraphs 2 and 4, and Section 8, Paragraphs 1, 3 and 5.

(2) In determining fines, the Culture Ministry considers the seriousness of the breach of legal obligations.

(3) Fines can be levied up to one year at the latest from the day on which the Culture Ministry discovers breach of legal obligations, but up to three years at the latest from when the breach of legal obligations occurred.

(4) Fines levied under this law are payable within 30 days after the decision determining a violation has gone into effect. General public administrative regulations¹⁴ apply to the procedure on levying fines.

(5) Fines levied under this law are revenues of the State culture fund Pro Slovakia.¹⁵

SECTION 11

General and interim provisions

(1) The law does not pertain to the use of commonly used foreign words, specialist terms or new expressions for which there are no equivalent terms in the State language.

(2) The heads of statutory organs and other legal entities and individuals (Section 10, Paragraph 1) are responsible for complying with the provisions of this law.

(3) The costs for all changes to public signs and other texts according to this law are covered by the authorities concerned and other legal entities and individuals. These changes must be carried out within one year of the day the law comes into force.

(4) The State language for the purposes of Section 2, Paragraph 1, letters a) and b), Section 3, Paragraphs 1, 2 and Paragraph 3, letters a), c), d) and e), Section 4, Section 5, Paragraphs 5 and 8, Section 6, Paragraph 2, and Section 8, Paragraphs 1 to 5 is understood as being the Slovak language in its codified form (Section 2, Paragraph 2).

SECTION 12

Revoking provisions

This law revokes the law of the Slovak National Council (no. 428/1990 Zb.) on the official language of the Slovak Republic.

SECTION 13

This law takes effect on January 1st, 1996, with the exception of section 10 which takes effect on January 1st, 1997.

The President of the Slovak Republic

The Speaker of the National Council of the Slovak Republic

The Prime Minister of the Slovak Republic

To understand the severity of the fines in Section 10 of the above law, readers should note, for instance, that the maximum fine which can be levied on a violator (legal entity) of Section 5, Paragraph 4 for failure to air a minority-language TV or radio program in its entirety in Slovak as well is 500,000 Crowns, which is equivalent to half the maximum fine for endangering Slovakia's nuclear safety (see Paragraph 17 of the law Zb. zak. 28/84 adopted on March 22, 1984). If a private businessman produces an audiovisual program in Hungarian for children under 12 and it is not dubbed into Slovak (violation of 5, 2), the maximum fine for that, 50,000 Crowns, is almost 17 times as much as the maximum fine for desecration of the Slovak national flag, a mere 3,000 Crowns according to law 372/1990. 50,000 Crowns equals about seven times the monthly salary of a tenured associate professor at a university.

According to a critic of the English Language Amendment in the USA, the "real objection is that the amendment assumes that compulsion, not attraction, is the best way of spreading a language and a culture" (quoted by Marshall 1986: 62-3). It is this dichotomy of compulsion vs. attraction that lies at the heart of the very first principle in the Linguistic Society of America's Statement on Language Rights issued in 1996:

At a minimum, all residents of the United States should be guaranteed the following linguistic rights:

A. to be allowed to express themselves, publicly or privately, in the language of their choice.

(LSA Bulletin, No. 151, March 1996)

Under the Slovak State language Law, minority citizens of Slovakia (except Czechs, whose language meets "the criteria of basic comprehensibility with regard to the State language" — see Section 5, Paragraph 1, a of the law) do not have the right to use the language of their choice in the following domains of language use, among others:

- local government (according to Section 3, Paragraph 1);
- a public transport bus driver talking to a fellow driver on the job (3, 2);
- public announcements by local governments (3, 3, a);
- sessions of local government; teachers' meeting in a State school (?) (3, 3, b);
- church bulletins (3, 3, c);
- street signs (3, 3, d);
- written submissions to local governments (3, 5);
- elementary and secondary school-leaving certificates (4, 3);
- the presentation of the program of cultural events such as poetry recitation, concerts etc. (5, 7);
- legal documents relating to employment (8, 2);
- verbal contact between health care workers and patients (8, 4).

Under this law, in certain cases national and ethnic minorities may use a language other than the State language, but only at a cost. The use of a minority language is made costly, in a discriminatory fashion, in, for instance

- foreign audiovisual works aimed at children under 12 years, which must be dubbed into the State language (5, 2);
- broadcasts by regional and local television channels, radio stations and radio facilities, which must be broadcast in their entirety in the State language as well (5, 4);
- occasional publications designed for the public, catalogues for galleries, museums and libraries, programs for cinemas, theaters, concerts and other cultural events, which may contain translations into other languages (5, 6);
- all signs, advertisements and announcements designed to inform the public, especially in shops, sports grounds, restaurants, in the street, on roads, at airports, bus and railway stations, in prisons and in public transport, which may be translated into other languages than the State language (8, 6).

The LSA principle "to be allowed to express oneself, publicly or privately, in the language of one's choice" is endorsed by the overwhelming majority of professional linguists in the USA, but, as far as I know, has not been written into any language rights covenant or charter. It is nevertheless a forceful device to measure language laws with. For instance, one may think that Section 8 (4) of the Slovak law provides for a reasonable degree of linguistic freedom in physician — patient communication, but in light of the the LSA principle it is abundantly clear that this is not the case. The law forbids, at least implicitly, the use of Hungarian between a Hungarian doctor and a Hungarian patient, unless the patient is "unfamiliar with the State language." In other words it does not allow the

use of the language which serves the minority speakers' communicative purposes best.

Notes to the law

1 Constitution of the Slovak Republic: Article 12.

2 Constitution of the Slovak Republic: Article 6, Paragraph 1.

3 Law No. 308/1991 on Freedom of Religion and the Situation of Churches and Religious Associations.

4 For example, Law No. 141/1961 on Criminal Procedure, according to its newest amendments, the Law on Civil Procedure, Law No. 81/1966 on Periodical Press and Other Telecommunication Instruments, according to its newest amendments, Law No. 29/1984 on the System of Elementary and Secondary Schools (School Law), according to its newest amendments, SNC Law No. 254/1991 on Slovak Television, according to its newest amendments, SNC Law No. 255/1991 on Slovak Radio, according to its newest amendments, Law No. 191/1994 on the Designation of Localities in National Minority Languages.

5 For example, SNC Law No. 254/1991, according to its newest amendments, SNC Law No. 255/1991, Law No. 273/1994 on Health Insurance, the Financing of Health Insurance, the Creation of the General Health Care Insurance, and the Creation of Sectoral, Company and Civilian Health Insurance Companies, Law No. 274/1994 on Social Security, according to its newest amendments.

6 SNC Law No. 191/1994.

7 SNC Law No. 300/1993 on First Names and Surnames: Article 7, Paragraph 1.

8 Law No. 29/1984: Article 3 and Article 3A in light of the modifications of SNC Law No. 171/1990 and No. 230/1994.

9 Law No. 29/1984: Article 40, according to its newest amendments.

10 SNC Law No. 254/1991: Article 3, Paragraph 3, according to its newest amendments. SNC Law No. 255/1991: Article 5, according to its newest amendments.

11 Law No. 81/1966 on Periodical Press and Other Telecommunication Instruments, according to its newest amendments.

12 Civil Procedure: Article 18. Law No. 141/1961 on Criminal Procedure Article 2, Paragraph 14. Law No. 36/1967 on Experts and Interpreters. Decree No. 37/1967 of the Ministry of the Interior of the Slovak Republic on the Implementation of the Law on Experts and Interpreters, according to its newest amendments.

13 Law No. 634/1992 on Consumer Protection: Article 9, Paragraphs 1, 2 and Article 11. SNC Law No. 152/1995 on Food Products.

14 Law No. 71/1967 on Public Administrative Procedure.

15 SNC Law No. 95/1991 on the Pro Slovakia State Cultural Fund, according to its newest amendments.